

118TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To protect minors from premature waiver of their constitutional rights during  
a custodial interrogation, and for other purposes.

\_\_\_\_\_  
IN THE SENATE OF THE UNITED STATES

\_\_\_\_\_  
Mr. BOOKER introduced the following bill; which was read twice and referred  
to the Committee on \_\_\_\_\_

## **A BILL**

To protect minors from premature waiver of their constitu-  
tional rights during a custodial interrogation, and for  
other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

### 3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Protecting Miranda  
5       Rights for Kids Act”.

### 6       **SEC. 2. WAIVER OF MIRANDA RIGHTS BY A MINOR.**

7       (a) IN GENERAL.—Chapter 223 of title 18, United  
8       States Code, is amended by inserting after section 3501  
9       the following:

1 **“§ 3501A. Custodial interrogation of a minor**

2 “(a) NOTIFICATION.—Except as provided in sub-  
3 section (c), any law enforcement officer who has arrested  
4 a minor for a violation of law shall notify the minor’s par-  
5 ent, guardian, or legal custodian that the minor has been  
6 arrested and shall provide the location of where the minor  
7 is being detained.

8 “(b) WAIVER.—A minor who is subject to a custodial  
9 interrogation may only waive the privilege against self-in-  
10 crimination or the right to assistance of legal counsel if  
11 the minor consults with legal counsel in person before such  
12 waiver.

13 “(c) EXCEPTION.—Subsection (a) shall not apply  
14 if—

15 “(1) custodial interrogation of a minor is nec-  
16 essary to gather information to protect the life of  
17 the minor or of another from an imminent threat;  
18 and

19 “(2) the questions that were asked during the  
20 custodial interrogation were reasonably necessary to  
21 obtain such information.

22 “(d) ASSIGNED COUNSEL.—

23 “(1) IN GENERAL.—A minor who is subject to  
24 a custodial interrogation shall have the right to have  
25 the legal counsel assigned to the minor’s case phys-  
26 ically present during such interrogation.

1           “(2) VIOLATION.—In the case of custodial in-  
2           terrogation of a minor, it shall be a violation of this  
3           subsection for the minor to be represented by any  
4           substitute counsel temporarily assigned to represent  
5           the minor.

6           “(e) INADMISSIBLE.—In any criminal prosecution  
7           brought by the United States, any statement given by a  
8           minor during a custodial interrogation that does not com-  
9           ply with this section, and any evidence derived from that  
10          statement, shall be inadmissible.

11          “(f) MINOR DEFINED.—In this section, the term  
12          ‘minor’ means an individual who has not attained 18 years  
13          of age.”.

14          (b) CLERICAL AMENDMENT.—The table of sections  
15          for chapter 223 of title 18, United States Code, is amend-  
16          ed by inserting after the item relating to section 3501 the  
17          following item:

          “3501A. Custodial interrogation of a minor.”.